

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2485 OF 2005

M/s.Mangal Rich Linens Pvt.Ltd. .. Petitioner.

V/s.

Union of India & Others .. Respondents.

Mr.Vikram Nankani i/b. Mr.Madhur Baya for the
petitioner.

Mr.P.S. Jetly with Mr.C.J. Joy for the respondents.

**CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.**

DATED : 27TH FEBRUARY, 2006.

P.C. :

1. Heard the learned counsel for the petitioner
and the learned counsel for the respondents.

2. By this petition, the petitioner is
challenging the order of the Settlement Commission :
Customs & Central Excise dated 11th July, 2005.

3. However, it appears that subsequent to the
aforesaid order of the Settlement Commission, the
Zonal Director General of Foreign Trade has passed an
order-in-original dated 16th August, 2005 in favour
of the petitioner holding that the petitioner is
entitled to the DEPB as well as Draw Back. In the
light of the order-in-original, we are of the view

that the Settlement Commission has to consider the application of the petitioner afresh.

4. Under the aforesaid facts and circumstances, we quash and set aside the order of the Settlement Commission and remand the matter back to consider the entire matter afresh.

5. Needless to mention that the Settlement Commission shall decide the entire matter without being influenced by its earlier order dated 11th July, 2005.

6. The writ petition stands disposed of in above terms with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)